

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed in U.S. Patent No. 6,484,729, issued on November 26, 2002 and for which a reissue patent is sought on the invention entitled **HAIR SEWING FASTENER**, the specification of which:

☒ is attached herewith.

☐ was filed on \_\_\_\_\_ as Reissue Application Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

			<u>Priority Claimed</u>
N/A			Yes/No
(Number)	(Country)	(Date Filed)	
N/A			Yes/No
(Number)	(Country)	(Date Filed)	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A		Pending
(Application Serial No.)	(Filing Date)	(Status)
N/A		Pending
(Application Serial No.)	(Filing Date)	(Status)

I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

N/A	
(Application Serial No.)	(Filing Date)
N/A	
(Application Serial No.)	(Filing Date)

I verily believe the original patent to be wholly or partly inoperative or invalid for the reasons described below:

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which the reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

I believe the original patent did not include claims directed to subject matter which I have the right to claim in the patent. Specifically, I believe that the original patent contains at least the errors described below.

One error in the original patent is that the patent did not include a broad claim directed to an apparatus with a fastener means configured to couple a resilient band to a needle member at a fixed location on the needle member and/or a method using such an apparatus. Such an apparatus was disclosed in the original patent at least from column 2, line 53 to column 3, line 52 and was shown in at least figures 1-10. Therefore, I claimed less than I had a right to claim in the patent. The reissue application includes new claim 6, which states as follows:

An apparatus for sewing hair, comprising:  
a first needle member;  
a second needle member;  
a resilient band configured to be coupled to the first needle member and the second needle member;  
a fastener means located on the first needle member, wherein the fastener means is configured to couple the resilient band to the first needle member at a fixed location on the first needle member, and wherein the fastener means is further configured to allow the resilient band to be uncoupled from the first needle member; and  
wherein the resilient band can be sewn into the hair, wherein the first needle member and the second needle member can be placed into the hair to secure the hair, and wherein the first needle member, the second needle member, and the resilient band can be removed from the hair by uncoupling the resilient band from the first needle member.

The reissue application also includes new claim 83, which states as follows:

A method of securing a section of hair, comprising:  
coupling an elastic band to a first needle member at a fixed location on the first needle member using a fastener means located on the first needle member;

placing the first needle member behind a section of hair with a first end of the first needle member sticking out of one side of the hair section and a second end of the first needle member sticking out of the other side of the hair section;

wrapping the elastic band around the first needle member by placing the elastic band around the first end of the first needle member and then around the second end of the first needle member more than once; and

placing a second needle member into the hair to secure the section of hair, wherein the second needle member is coupled to the elastic band.

A second error in the original patent is that the patent did not include a broad claim directed to an apparatus with a resilient band permanently attached to a first needle member and a coupled to a second needle member, and/or a method using such an apparatus. Such an apparatus was disclosed in the original patent at least from column 2, line 53 to column 3, line 17 and was shown in at least figures 1 and 2. Therefore, I claimed less than I had a right to claim in the patent. The reissue application includes new claim 34, which states as follows:

An apparatus for sewing hair, comprising:

a first needle member;

a resilient band permanently attached to the first needle member;

a second needle member, wherein the second needle member is configured to be coupled and uncoupled from the resilient band; and

wherein the resilient band can be sewn into the hair, wherein the first needle member and the second needle member can be placed into the hair to secure the hair, and wherein the first needle member, the second needle member, and the resilient band can be removed from the hair by uncoupling the resilient band from the second needle member.

The reissue application also includes new claim 75, which states as follows:

A method of securing a section of hair, comprising:

placing a first needle member behind a section of hair with a first end of the first needle member sticking out of one side of the hair section and a second end of the first needle member sticking out of the other side of the hair section;

wrapping an elastic band around the first needle member by placing the elastic band around the first end of the first needle member and then around the second end of the first needle member more than once, wherein the elastic band is permanently attached to an end of the first needle member; and

placing a second needle member into the hair to secure the section of hair, wherein the second needle member is coupled to the elastic band.

A third error in the original patent is that the patent did not include a claim directed to an apparatus with a first needle member having an eye with a notch that allows the resilient band to be placed into the eye to couple the resilient band to the first needle member and allows the resilient band to be removed from the eye to uncouple the resilient band from the first needle member, a second needle member having an eye with a notch that allows the resilient band to be placed into the eye to couple the resilient band to the second needle member and allows the resilient band to be removed from the eye to uncouple the resilient band from the second needle member, and/or a method using such an apparatus. Such an apparatus was disclosed in the original patent at least in column 3, lines 32-36 and was shown in at least figure 5. Therefore, I claimed less than I had a right to claim in the patent. The reissue application includes new claim 48, which states as follows:

An apparatus for sewing hair, comprising:

a resilient band configured to be coupled to and uncoupled from a first needle member and a second needle member;

the first needle member having an eye with a notch that allows the resilient band to be placed into the eye to couple the resilient band to the first needle member and allows the resilient band to be removed from the eye to uncouple the resilient band from the first needle member;

the second needle member having an eye with a notch that allows the resilient band to be placed into the eye to couple the resilient band to the second needle member and allows the resilient band to be removed from the eye to uncouple the resilient band from the second needle member; and

wherein the resilient band can be sewn into the hair, wherein the first needle member and the second needle member can be placed into the hair to secure the hair, and wherein the first needle member, the second needle member, and the resilient band can be removed from the hair by uncoupling the resilient band from the first needle member or the second needle member.

The reissue application also includes new claim 98, which states as follows:

A method of securing a section of hair, comprising:

coupling an elastic band to a first needle member by placing the elastic band through a notch and into an eye located on the first needle member;

placing the first needle member behind a section of hair with a first end of the first needle member sticking out of one side of the hair section and a second end of the first needle member sticking out of the other side of the hair section;

wrapping the elastic band around the first needle member by placing the elastic band around the first end of the first needle member and then around the second end of the first needle member more than once; and

placing a second needle member into the hair to secure the section of hair, wherein the second needle member is coupled to the elastic band.

A fourth error in the original patent is that the patent did not include a claim directed to an apparatus with a fastener means located on a single needle member, wherein the fastener means is configured to allow the resilient band to be coupled and uncoupled from the single needle member. Such an apparatus was disclosed in the original patent at least in column 3, line 52 and was shown in at least figure 10. Therefore, I claimed less than I had a right to claim in the patent. The reissue application includes new claim 58, which states as follows:

An apparatus for sewing hair, comprising:

a single needle member;

a resilient band configured to be coupled to the single needle member;

a fastener means located on the single needle member, wherein the fastener means is configured to allow the resilient band to be coupled and uncoupled from the single needle member; and

wherein the resilient band can be sewn into the hair, wherein the single needle member can be placed into the hair to secure the hair, and wherein the single needle member and the resilient band can be removed from the hair by uncoupling the resilient band from the single needle member.

A fifth error in the original patent is that the patent did not include a claim directed to a method for placing a first needle member behind a section of hair with a first end of the first needle member sticking out of one side of the hair section and a second end of the first needle member sticking out of the other side of the hair section; and wrapping an elastic band around the first needle member by placing the elastic band around the first end of the first needle member and then around the second end of the first needle member more than once, wherein the elastic band is permanently attached to an end of the first needle member and an end of a second needle member. Such a method was disclosed in the original patent at least

in column 3, lines 36-41 and was shown in at least figure 6. Therefore, I claimed less than I had a right to claim in the patent. The reissue application includes new claim 72, which states as follows:

A method of securing a section of hair, comprising:

placing a first needle member behind a section of hair with a first end of the first needle member sticking out of one side of the hair section and a second end of the first needle member sticking out of the other side of the hair section;

wrapping an elastic band around the first needle member by placing the elastic band around the first end of the first needle member and then around the second end of the first needle member more than once, wherein the elastic band is permanently attached to an end of the first needle member and an end of a second needle member; and

placing the second needle member into the hair to secure the section of hair.


All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

Please direct all communications as follows:

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I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: David Alan Silva

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